

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tim Austin et al.
Serial No. : 10/374,362
Filed : February 25, 2003
Atty. No : 60,210-146
Title : RESONATING DEVICE FOR A PNEUMATIC SURGICAL
INSTRUMENT

Art Unit : 2837
Examiner : Kimberly R. Lockett

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The Applicant thanks the Examiner for allowance of claims 1-66. Pursuant to the brief telephone interviews on January 5 and February 17, applicant has clarified with the Examiner that claims 1-66 are allowed as indicated on page 1 of the Notice of Allowability, and not only claims 1-23 as indicated on page 2 of the Notice of Allowability. The Examiner stated that the indication of claims 1-23 as the allowed claims on page 2 was a typographical error. Thus, the telephone interviews are excluded from the interview recordation procedures set forth in MPEP 713.04 and no Interview Summary form is believed to be required. The Applicant thanks the Office for their cooperation on this matter.

The Applicant notes that the Examiner's statement of reasons for allowance pertains directly to independent claims 1 and 24. Regarding independent claim 52, the specific scope of this claim was not commented on by the Examiner. Applicant submits that the prior art likewise does not disclose, teach, or suggest a resonating device

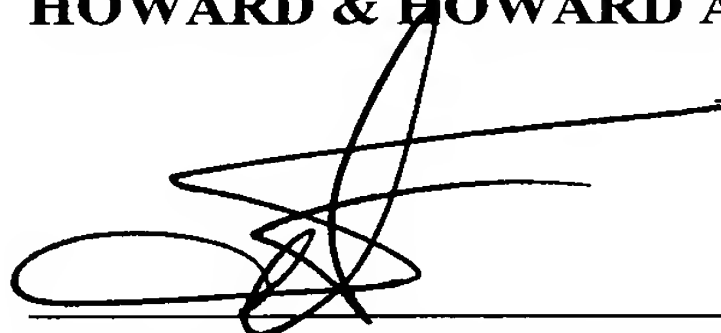
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Group Art Unit: 2837

characterized by the second canister extending from the manifold closer to the inlet than the canister such that the sound waves that are generated at the second harmonic frequency are attenuated by the second canister before the sound waves that are generated at the first harmonic frequency are attenuated by the canister upon flow of the fluid into the manifold through the inlet as set forth in independent claim 52.

As addressed in Chapter 2700 of the MPEP at 2732, page 2700-21, the submission of this paper after the "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application. As such, no reduction in the 213 day period of patent term adjustment is warranted.

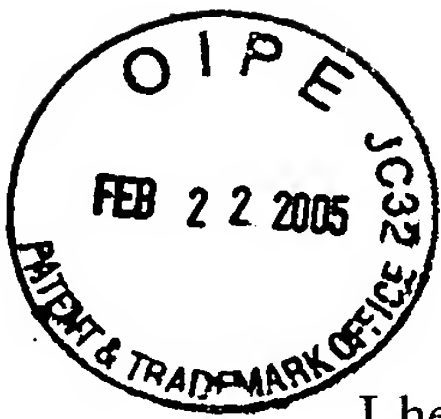
Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.



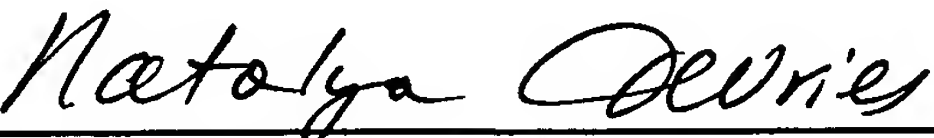
Samuel J. Haidle, Registration No. 42,619
The Pinehurst Office Center, Suite #101
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2-21-05
Date



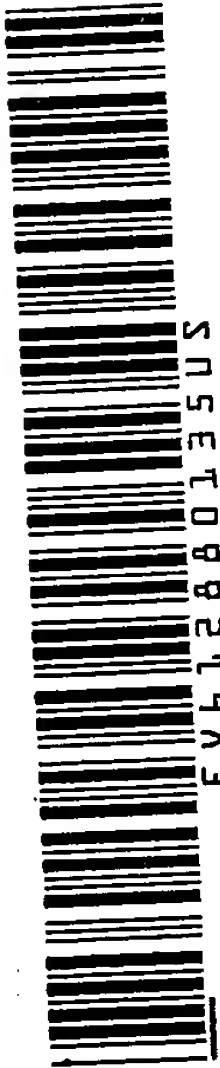
CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Issue Fee Payment and Comments on Statement of Reasons for Allowance** are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee" Mailing Label No. **EV612880135US** and addressed to the Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on **February 21, 2005**.



Natalya DeVries

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